



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 17
AGENDA DATE: Thu 12/15/2005
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SUBJECT: Approve an ordinance amending Section 9-4-13 (*Aggressive Solicitation Prohibited*), Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks in the Downtown Area Prohibited*), Section 9-4-22 (*Solicitation between Certain Hours Prohibited*), and Section 12-1-27 (*Solicitations Between an Occupant of a Motor Vehicle and a Pedestrian*) of the City Code.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Police
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Robert Dahlstrom**

FOR MORE INFORMATION CONTACT: Rudy Garza, Assistant City Manager, 974-7789

PRIOR COUNCIL ACTION: City Council held two public hearings regarding the ordinance amendments on October 27, 2005 and November 17, 2005.

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

On October 20, 2005, City staff presented a series of proposed amendments to the City's public order ordinances, specifically:

1. Section 9-4-13: *Aggressive Solicitation Prohibited*
2. Section 9-4-14: *Sitting or Lying Down on Public Sidewalks in the Downtown Area Prohibited*
3. Section 9-4-22: *Solicitation between Certain Hours Prohibited*
4. Section 12-1-27: *Solicitations between an Occupant of a Motor Vehicle and a Pedestrian*

Two public hearings took place on October 27, 2005 and November 17, 2005 to receive public input regarding the proposed amendments.

A summary of the current ordinances and proposed amendments is below:

Aggressive Solicitation

Current Ordinance: Prohibits city-wide panhandling in a manner that is intimidating to the person being solicited and in areas in which the person being solicited is likely to feel vulnerable.

Proposed Amendment: Expand area regulation to prohibit solicitation near a school, childcare facility and outdoor cafés/restaurant patios at all times and downtown between 7 p.m. and 7 a.m.



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Sitting or Lying Down on Public Sidewalks in the Downtown Area Prohibited

Current Ordinance: Downtown only, prohibits a person from sitting or lying down in the ROW between the roadway & abutting building if it interferes with the passage of another person. Requires a warning and provides exceptions.

Proposed Amendment: Downtown only, expand to prohibit sleeping and eliminate the obstruction requirement related to sitting and lying down

Solicitation between Certain Hours Prohibited

Current Ordinance: Prohibits door-to-door and telephone solicitations for charitable contributions between 9 p.m. and 9 a.m.

Proposed Amendment: Expand to prohibit all door-to-door solicitations, not just charitable contributions, between 7 p.m. and 9 a.m. Eliminate regulation of telephone solicitations.

Solicitations between an Occupant of a Motor Vehicle and a Pedestrian

Current Ordinance: In a limited area, including private parking lots with signs, restricts solicitations between pedestrians & motor vehicle occupants. Applies to all solicitations on streets and on the adjacent sidewalk or ROW. Allows solicitation for employment in designated City facilities and a private parking area without signage.

Proposed Amendment: Eliminate the area restriction and apply ordinance city-wide. Eliminate regulation in privately owned parking lots.